

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1573 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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PRAHLADBHAI CHATURDAS PATEL

Versus

STATE OF GUJARAT  
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Appearance:

MR HR PRAJAPATI for Petitioner  
MR.S.S. Patel, ASSTT. GOVERNMENT PLEADER for  
Respondent Nos.1 to 3.  
Respondent no.4 served.  
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CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 25/06/1999

ORAL JUDGEMENT :

Heard the learned advocates for the respective parties.

2. The petitioner challenges the order of preventive detention dated 29th January, 1999 made by the District Magistrate, Mehsana under the powers conferred upon him under subsec.(2A) of sec.3 of the Prevention of Black Marketing and Maintenance of Supplies of Essential

Commodities Act, 1980.

3. It is contended that the petitioner had made representation to the Central Government on 26th February 1999 which was delivered in the office of the Ministry of Civil Supplies on 4th March, 1999. Receipt of delivery of the post issued by the Postal authorities is placed on the record of the matter. It is undisputed that the aforesaid representation delivered in the Ministry of Civil Supplies has not been considered and decided by the concerned authority. No cogent explanation is coming forth from the concerned authority. The continued detention of the petitioner is, therefore, vitiated.

4. The petition is, therefore, allowed. The impugned order dated 29th January 1999, Annexure 'A' to the petition is quashed and set aside. Rule is made absolute. The petitioner, unless is required to be detained in any other case, be released forthwith.

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